

SECTION 51.02. ADMINISTRATION

Subd. A. Administration: Amendments and Rezonings. In accordance with the provisions of Minnesota Statutes, the City Council may from time to time amend the Zoning Ordinance text or map (re zoning). Amendments may be initiated by City Council, Planning Commission, or property owner. The procedure for an amendment to the Zoning Ordinance or Zoning District Map (rezone) shall be as follows:

1. **Application.** Requests for amendments or rezonings, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a fee as provided for by Section 51.01, Subd. A.12 of this Ordinance. Such application shall also be accompanied by eight (8) large scale copies of detailed written and graphic materials fully explaining the proposed zoning change, development, or use, an eleven (11) inch by seventeen (17) inch reduced paper copy of all graphic materials, one (1) digital electronic copy in a format compatible with the City's computer system, and a list of affected property owners within three hundred fifty (350) feet of the subject property obtained from the current tax rolls provided in the City Hall or Wright County Offices and have the list verified by the City Administrator.
2. **Staff Review/Technical Assistance Reports.** Upon receipt of an application for an amendment or rezoning, the Zoning Administrator shall, when deemed necessary, refer the request to appropriate staff to ensure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. Also, when deemed necessary, the Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.
3. **Public Hearing.** Upon official submission of the request, the Zoning Administrator shall set a public hearing on the request for the next regularly scheduled Planning Commission meeting occurring at least ten (10) working days from such date as a notice of the hearing is published in the official newspaper. Such notice shall contain a legal property description and description of the request, and shall be published no more than thirty (30) days and no less than ten (10) days prior to the hearing. When an amendment involves changes in district boundaries affecting an area of five (5) acres or less, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within three hundred fifty (350) feet of the property to which the amendment relates. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.

4. **Planning Commission Action.** The Planning Commission shall conduct the public hearing at which time the applicant or a representative thereof shall appear to answer questions concerning the proposed request.

a. The Planning Commission shall consider possible adverse effects of the proposed amendment or rezoning. Its judgment shall be based upon (but not limited to) the following factors:

- 1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.
- 2) The proposed use is or will be compatible with present and future land uses of the area.
- 3) The proposed use conforms with all performance standards contained herein.
- 4) The proposed use can be accommodated with existing public services and will not overburden the City's service capacity when:
 - a) The proposed development shall be served with adequate and safe water supply.
 - b) The proposed development shall be served with an adequate and safe sanitary sewer system.
 - c) The proposed development shall not result in the premature expenditures of City funds on capital improvements necessary to accommodate the proposed development.
- 5) Traffic generation by the proposed use is within capabilities of the streets serving the property when:
 - a) If the existing level of service (LOS) outside of the proposed site is A or B, traffic generated by a proposed site will not degrade the level of service more than one grade.
 - b) If the existing LOS outside of the proposed site is C, traffic generated by a proposed site will not degrade the level of service below C.
 - c) The existing LOS must be C or better for all streets and intersections providing access to the site. If the existing level of service is D, E or F, the site developer must provide, as part of the proposed project, improvements needed to

ensure a level of service C or better or the City may deem the development premature.

- d) Existing roads and intersections providing access to the site must have the structural capacity to accommodate projected traffic from the proposed site or the developer will pay to correct any structural deficiencies.
- e) The traffic generated from a proposed site shall not require City street improvements that are inconsistent with the Delano Capital Improvement Plan. However, the City may, at its discretion, consider developer-financed improvements to correct any street deficiencies.

b. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.

c. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request as they deem necessary to carry out the intent and purpose of this Ordinance. Such recommendation shall be in writing and accompanied by any report and recommendation of the City staff. The written recommendation of the Planning Commission shall be forwarded to the Zoning Administrator for referral to the City Council.

5. **Referral to City Council.** Upon receipt of the Planning Commission report and recommendation, the Zoning Administrator shall place the request and any report and recommendation on the agenda of the next regularly scheduled meeting of the City Council. The Planning Commission must act and report its recommendation in a timely manner so that the City Council can act on the application within sixty (60) days of receipt of a complete application, unless the review period for the applicant has been extended pursuant to Minnesota Statutes 15.99.

6. **City Council Action.** Upon receiving the request and any report and recommendation of the Planning Commission and the City staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded and written finding of fact, and provide this written finding to the applicant within sixty (60) days of receipt of a completed application, unless the review period for the application has been extended pursuant to Minnesota Statutes 15.99.

- a. Approval of a proposed amendment shall require passage by a majority vote of all members of the City Council except that the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial requires a two-thirds (2/3) majority vote of all members of the City Council.
- b. In the case of an amendment, the amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment and after said ordinance is published in the official newspaper.
- c. Whenever an application for an amendment or rezoning has been considered and denied by the City Council, a similar application for the amendment or rezoning affecting substantially the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than a majority vote of the full City Council.